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TAGS: [PREL](#) [KUNR](#) [PHUM](#) [UN](#) [KS](#) [ADCO](#)  
SUBJECT: ROK SUPPORTIVE OF UN REFORM

REF: A. STATE 04746

[1](#)B. STATE 04745  
[1](#)C. SEOUL 00166

Classified By: A/POL Sung Y. Kim. Reasons 1.4 (b), (d).

[1](#)1. (C) On January 13, poloff delivered ref A and B demarches requesting support for USG UN reform objectives to Oh Young-ju, Deputy Director of the UN Division at the Ministry of Foreign Affairs and Trade, and Jang Hyun-cheol, Deputy Director of the Human Rights and Social Affairs Division. Oh said Seoul essentially shared the same position as Washington on UN management reform and the creation of a Human Rights Council. She expected some resistance from developing countries on the mandate review proposal, but it was more important to use funds efficiently and effectively. On the Human Rights Council, Jang said Seoul agreed the Council should be smaller than the Human Rights Commission, but said South Korea did not want it too small because Seoul would seek election to the Council. Oh and Jang emphasized that human rights, along with security and development issues, was a key pillar supporting the UN mission. They provided a ROK position paper on the establishment of the Human Rights Council. Text of the nonpaper is contained in paragraph three below.

[1](#)2. (C) Deputy Directors Oh and Jang said they were aware that Foreign Minister Ban Ki-moon had discussed UN management reform and the Human Rights Council with the Ambassador the previous day (reftel c) and that the Foreign Minister was looking forward to meeting with Ambassador Bolton in New York.

[1](#)3. (U) The ROK's position on the Establishment of Human Rights Council (HRC)

In order to strengthen the UN's role in the protection and promotion of human rights and fundamental freedoms, and in particular improve the functions of the existing Commission on Human Rights (CHR), we believe that a new HRC must be created to overcome the long-standing doubts over the CHR's selectivity and inefficiency which in fact prompted the very need for the HRC in the first place.

-- Such efforts should include: enhancing the status of the HRC, making it a standing body, and establishing a new periodic review system.

We share the view that agreement should be reached as soon as possible and that the HRC should be established prior to the

session of the CHR.

Our positions on key detailed considerations are primarily as follows:

#### Status

-- It would be a subsidiary organ of the General Assembly (GA) with a review undertaken on upgrading its status to that of a principal organ of the UN within a number of years.

In reality, to make the HRC the status of a principal organ is a difficult task, especially since it would require an amendment to the Charter. We therefore believe that the Council should be established as a subsidiary organ of the GA on a temporary basis.

-- Developing into a standing body would entail regular sessions and special sessions convened by multi-triggers (Secretary General, High Commissioner for Human Rights, HRC President or members of HRC).

#### Mandate and Functions

-- Enhancing the HRC's efficiency and performance in such ways as: strengthening and promoting human rights protection through a "periodic review;" retaining the authority to take immediate steps when a case of the violation of human rights arises; reserving the right to make recommendations to the GA, the Security Council and ECOSOC; and maintaining a somewhat higher standing in relation to other human rights organizations, etc.

#### Size, Composition and Membership

-- Smaller than the existing Commission on Human Rights (53 member states).

-- The principle of equitable geographical distribution maintained: an increase in the ratio of Asian countries in comparison to the existing Commission.

-- Membership of the HRC: in principle, all member states would be qualified to "serve in the HRC"; appropriate contribution to the promotion and protection of human rights (such as taking initiatives to improve the human rights situation in one's own country) would be a precondition.

-- Election of the Members of HRC: Members shall be elected directly by the GA by a two-thirds majority without any possibility of intervention by a Regional Group.

-- Terms of Membership/Reelection: A reelectable term of three years.

-- First members of the HRC shall be elected newly regardless of existing members of the Commission on Human Rights.

#### Rules of Procedure and Working Methods

-- Rules of Procedure: the HRC would adopt its own rules of procedure, although it can apply the rules of procedure of the subsidiary organs of the GA when necessary; participation of NGOs would be allowed.

-- Working Methods: the HRC would adopt its own Working Methods.

#### Transitional Arrangements

-- The timing for the election and first meeting will be determined during the forthcoming negotiation session.

VERSHBOW